

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

<p>----- X</p> <p>SANTA CRUZ LESBIAN AND GAY COMMUNITY : CENTER d/b/a THE DIVERSITY CENTER OF : SANTA CRUZ; LOS ANGELES LGBT CENTER; : AIDS FOUNDATION OF CHICAGO; B. BROWN : CONSULTING, LLC; BRADBURY-SULLIVAN : LGBT COMMUNITY CENTER; NO/AIDS TASK : FORCE d/b/a CRESCENTCARE; SERVICES AND : ADVOCACY FOR GLBT ELDERS; DR. WARD : CARPENTER, : <div style="text-align: center;"><i>Plaintiffs,</i></div> <div style="text-align: center;">v.</div> <p>DONALD J. TRUMP, in his official capacity as : President of the United States; U.S. DEPARTMENT : OF LABOR; EUGENE SCALIA, in his official : capacity as Secretary of Labor; CRAIG E. LEEN, in : his official capacity as Director of the Office of : Federal Contract Compliance Programs; OFFICE OF : MANAGEMENT AND BUDGET; RUSSELL : VOUGHT, in his official capacity as Director of the : Office of Management and Budget; U.S. : DEPARTMENT OF HEALTH AND HUMAN : SERVICES; ALEX M. AZAR II, in his official : capacity as Secretary of Health and Human Services; : U.S. DEPARTMENT OF JUSTICE; WILLIAM : PELHAM BARR, in his official capacity as United : States Attorney General; U.S. DEPARTMENT OF : HOUSING AND URBAN DEVELOPMENT; : BENJAMIN SOLOMON CARSON, SR., in his : official capacity as Secretary of Housing and Urban : Development; U.S. DEPARTMENT OF VETERANS : AFFAIRS; ROBERT WILKIE, in his official capacity : as Secretary of Veterans Affairs; NATIONAL : ENDOWMENT FOR THE HUMANITIES; JON : PARRISH PEEDE, in his official capacity as : Chairman of the National Endowment for the : Humanities; NATIONAL ENDOWMENT FOR THE : ARTS; MARY ANNE CARTER, in her official : capacity as Chairman of the National Endowment for : the Arts, : <div style="text-align: center;"><i>Defendants.</i></div> <p>----- X</p> </p></p>	<p>Case No. 5:20-cv-07741-BLF</p> <p>[PROPOSED] ORDER GRANTING MOTION FOR NATIONWIDE PRELIMINARY INJUNCTION</p>
---	---

Case No. 5:20-cv-07741-BLF

[PROPOSED] ORDER GRANTING MOTION FOR NATIONWIDE PRELIMINARY
INJUNCTION

1
2 Upon consideration of Plaintiffs' Motion for Nationwide Preliminary Injunctive Relief
3 and Memorandum of Points and Authorities and, with the benefit of oral argument, this Court
4 finds that Plaintiffs have demonstrated a need for preliminary injunctive relief in this case. *See*
5 *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Alliance for the Wild*
6 *Rockies v. Cottrell*, 632 F.3d 1127, 1131–35 (9th Cir. 2011). Thus, the Court GRANTS
7 Plaintiff's motion and issues the following preliminary injunction:

- 8 1. Defendants are hereby enjoined from enforcing Executive Order 13950 against any
9 recipient of federal funding, including Plaintiffs. Specifically, Defendants shall not:
 - 10 a. Condition the receipt of federal funding or contract eligibility on compliance with
11 Executive Order 13950;
 - 12 b. Open or conduct investigations of any individual or organization with regard to
13 compliance with Executive Order 13950, including investigations generated from
14 calls to the Department of Labor's hotline;
 - 15 c. Conduct assessments as to whether any workplace trainings teaching the "divisive
16 concepts" generate liability under the Civil Rights Act of 1964;
 - 17 d. Conduct reviews of agency spending on diversity and inclusion programs, or
18 assess trainings to determine whether they "teach, advocate, or promote" the
19 "divisive concepts" in Executive Order 13950, including through the use of
20 keyword searches of such materials;
 - 21 e. Issue further guidance to federal agencies and employees regarding the
22 implementation or enforcement of Executive Order 13950;
 - 23 f. Publish any further Requests for Information ("RFI") that seek comments,
24 information, or materials from federal contractors, subcontractors, and their
25 employees regarding workplace trainings involving the concepts prohibited by
26

Executive Order 13950, or review any materials provided to any federal agency or employee pursuant to any existing RFI;

g. Terminate existing governmental contracts or grants for purported non-compliance with:

- i. Any provision of Executive Order 13950,
- ii. Any agency action taken to implement Executive Order 13950, or
- iii. Any term of a contract or grant imposed to implement Executive Order 13950; or

h. Take any other action, whether or not listed above, intended to effectuate or enforce:

- i. Any provision of Executive Order 13950,
- ii. Any agency action taken to implement Executive Order 13950, or
- iii. Any term of a contract or grant imposed to implement Executive Order 13950.

2. This injunction shall take effect immediately.

3. This injunction shall apply to all Defendants as well as any of Defendants' officers, agents, servants, employees, and attorneys. This injunction shall further apply to any other persons who are in active concert or participation with Defendants or Defendants' officers, agents, servants, employees, and attorneys. Fed. R. Civ. P. 65(d)(2).

4. The Court's reasons for issuing this injunction are contained in a forthcoming opinion, as well as in the transcripts of proceedings held on _____. Fed. R. Civ. P. 65 (d)(1)(A).

5. This injunction shall be in effect until further order of the Court.

1 **IT IS SO ORDERED.**

2
3 Dated this ____ day of _____, 202__

4
5

BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26